



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

July 19, 2018

PIN 18-05-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **SOCIAL MEDIA: PROTECTING CLIENT/RESIDENT
PERSONAL/PRIVACY RIGHTS WITHIN ADULT AND SENIOR CARE
FACILITIES**

Provider Information Notice (PIN) Summary

PIN 18-05-ASC provides guidance to Adult and Residential Care Facility for the Elderly licensees regarding sharing personal and confidential client/resident information on social media.

Each client/resident living in an Adult and Senior Care (ASC) facility has the right to privacy and confidentiality in all aspects of care and services. ASC facility personnel must not use electronic devices and social media platforms to share confidential client/resident information. This includes names or other identifying information or photographs and video of clients/residents.

Posting or distributing any image/content of clients/residents without consent may factor into a finding of a personal rights privacy or confidentiality violation. Furthermore, this conduct may constitute an invasion of privacy and elder or dependent adult abuse and may subject individuals and licensees to potential liability.

Licensees shall exercise general supervision over the affairs of the licensed facility and shall establish policies concerning its operation in conformance with the regulations and the welfare of the individuals served (Title 22 California Code of Regulations sections [87205](#) and [80063](#)). Additionally, licensees may not infringe the privacy and dignity rights

of clients/residents. Accordingly, the Department recommends licensees develop specific facility policies that address the use of social media and the protection of clients'/residents' privacy and dignity rights. It is suggested that the facility's social media policy:

- Inform facility staff that taking and distributing any digital content without client's/resident's consent may be considered a privacy violation subject to potential liability.
- Address the necessity of observing client/resident personal rights, privacy and confidentiality.
- Prohibit posting confidential, harassing, discriminatory and/or defamatory content.
- Address consequences for violating the policy.

Additionally, licensees are encouraged to regularly train facility staff and volunteers on the policy and the importance of protecting client/resident privacy.

For reference, an Appendix is attached which includes statute and regulations specific to ASC facility types regarding personal rights, privacy and confidentiality. As a reminder, licensees must also abide by any other pertinent statutes and regulations outside of Community Care Licensing's governing authority for ASC facilities.

If you have any questions, please contact your [Adult and Senior Care Regional Office](#).

Appendix

Adult Residential Facilities Adult Residential Facility for Persons with Special Health Care Needs Social Rehabilitation Facilities Enhanced Behavioral Supports Homes Community Crisis Homes	
Regulation Section	Section Title
Dignity in relationships with staff and others	
80072(a)(1)	Personal Rights
Right to privacy in accommodations	
80072(a)(2)	Personal Rights
80075(d)	Health-Related Services
80077.4(b)(7)	Care for Clients with Incontinence
81088(h)(4) Social Rehabilitation Facilities only	Fixtures, Furniture, Equipment and Supplies
85088(b)(4) Adult Residential Facilities only	Fixtures, Furniture, Equipment and Supplies
Client records are to be confidential	
80070(c)	Client Records
80071(a)(2)	Register of Clients
Right to have private visits	
81072(a)(14) Social Rehabilitation Facilities only	Personal Rights
81072(a)(19) Social Rehabilitation Facilities only	Personal Rights
85087(d) Adult Residential Facilities only	Buildings and Grounds
85072(b)(4) Adult Residential Facilities only	Personal Rights
85072(b)(9) Adult Residential Facilities only	Personal Rights
Right to privacy when receiving medical treatment	
85075(a) Adult Residential Facilities only	Health-Related Services
80092.4(a)(7)	Colostomy/Ileostomy

Adult Residential Facilities Adult Residential Facility for Persons with Special Health Care Needs Social Rehabilitation Facilities Enhanced Behavioral Supports Homes Community Crisis Homes	
Regulation Section	Section Title
Does not apply to Adult Residential Facility for Persons with Special Health Care Needs	
80092.5(a)(5) Does not apply to Adult Residential Facility for Persons with Special Health Care Needs	Fecal Impact Removal, Enemas, or Suppositories
80092.6(a)(7) Does not apply to Adult Residential Facility for Persons with Special Health Care Needs	Indwelling Urinary Catheter/Catheter Procedure
80077.4(b)(7)	Care for Clients with Incontinence

Adult Day Programs	
Regulation Section	Section Title
	Dignity in relationships with staff and others
82072(a)(1)	Personal Rights
	Right to privacy in accommodations
82072(a)(2)	Personal Rights
82075(d)	Health-Related Services
82077.4(b)(7)	Care for Clients with Incontinence
	Client records are to be confidential
82070(c)	Client Records
82071(b)(1)	Register of Clients
	Right to privacy when receiving medical treatment
82075(d)	Health-Related Services
82092.4(a)(7)	Colostomy/Ileostomy
82092.5(a)(5)	Fecal Impaction Removal, Enemas, or Suppositories
82092.6(a)(7)	Indwelling Urinary Catheter/Catheter Procedure
82077.4(b)(7)	Care for Clients with Incontinence

Residential Care Facilities for the Elderly	
Statute/Regulation Section	Section Title
Dignity in relationships with staff and others	
87468(a)(1)	Personal Rights
Right to privacy in accommodations	
87307(a)	Personal Accommodations and Services
87307(c)	Personal Accommodations and Services
Resident records are to be confidential	
87506(c)	Resident Records
87508(c)(1)	Register of Residents
Right to have private visits	
87308(b)	Resident and Support Services
87468(a)(11)	Personal Rights
87468(a)(14)	Personal Rights
Right to privacy when receiving medical treatment	
87465(a)(8)	Incidental Medical and Dental Care
87621(b)(3)	Colostomy/Ileostomy
87622(b)(2)	Fecal Impaction Removal, Enemas, and/or Suppositories
87623(b)(4)	Indwelling Urinary Catheter
87625(b)(8)	Managed Incontinence
Right to privacy in accommodations	
87307(a)	Personal Accommodation and Services
87307(c)	Personal Accommodation and Services
87465(a)(8)	Incidental Medical and Dental Care
87625(b)(8)	Managed Incontinence
Health and Safety Code Section 1569.269	
1569.269(a)(1)	Resident's Rights to Dignity
1569.269(a)(2)	Resident's Rights to Privacy
1569.269(a)(3)	Resident's Rights to Protection of Confidential Personal Information
1569.269(a)(10)	Resident's Rights to Be Free from Neglect, Intimidation, Abuse, etc.

Residential Care Facilities for the Chronically III	
Regulation Section	Section Title
Dignity in relationships with staff and others	
<u>87872(a)(1)</u>	Personal Rights
Right to privacy in accommodations	
<u>87872(a)(2)</u>	Personal Rights
<u>87888(f)(4)</u>	Fixtures, Furniture, Equipment and Supplies
Resident records are to be confidential	
<u>87870(c)</u>	Resident Records
<u>87870(c)(1)</u>	Resident Records
Right to have private visits	
<u>87872(a)(11)</u>	Personal Rights
Right to privacy when receiving medical treatment	
<u>87898(b)(3)</u>	Colostomy/Ileostomy
<u>87899(b)(2)</u>	Enema and/or Suppository and Fecal Impaction Removal
<u>87900(b)(4)</u>	Indwelling Urinary Catheter/Catheter Procedure/Intermittent Catheterization
<u>87901(b)(2)</u>	External Catheters
<u>87902(b)(4)</u>	Managed Bowel and/or Bladder Incontinence
Right to privacy in accommodations	
<u>87872(a)(2)</u>	Personal Rights
<u>87888(f)(4)</u>	Fixtures, Furniture, Equipment and Supplies